

SENATE BILL 2971

By Burks

AN ACT to amend Tennessee Code Annotated, Title 38 and Title 40, relative to prohibiting the use of polygraph or similar devices under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following new section:

§38-3-123.

(a) It is an offense for a law enforcement officer to require or request any victim of a sexual offense, as defined in §40-39-202(17), or violent sexual offense, as defined in §40-39-202(25), to submit to a polygraph examination or any other test designed to detect deception or verify the truth of statements through instrumentation or by means of a mechanical device as a condition of such officer proceeding with the investigation of the offense.

(b) A violation of this section is a Class C misdemeanor punishable by fine only and may subject such officer to departmental disciplinary action.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.